

REMARKS

In the Final Office Action dated December 31, 2002, claims 1-40 were pending. Claims 1-26, 28-30, 32-34, 36-40 were rejected under 35 U.S.C. 102(b) as being anticipated by Stucka et al. (U.S. Patent No. 5,596,702). Claims 27, 31, and 35 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stucka et al. (U.S. Patent No. 5,596,702) in view of Kahl et al. (U.S. Patent No. 5,936,625).

A response to the Office Action with two-month expedite procedure under 37 C.F.R. §1.116 had been filed and an Advisory Action was issued on March 21, 2003. In the Advisory Action, the response was not entered.

In this response, no claim has been cancelled and thus claims 1-40 remain pending. A telephone interview has been conducted with the Examiner on February 27, 2003. Claims 1, 9, 17, 25, 29, 33, and 37 have been amended in accordance with the result of the telephone interview. While Applicant does not concede that the Examiner's position is correct on the merits and the amendments are necessary, Applicant has sought to obtain the claims as amended. Applicant hereby reserves the right to pursue broader claims in the future. No new matter has been added. Reconsideration of the present application is respectfully requested.

Rejections Under 35 U.S.C. §102

Claims 1-26, 28-30, 32-34, 36-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Stucka.

To anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Manual of Patent Examining Procedures (MPEP) 2131.)

Applicant respectfully submits that claims 1-40, as amended, include the limitations that are not disclosed or claimed by Stucka. In particular, independent claim 1 includes a limitation of “extracting a first data from a display buffer of a video card”, which is absent from Stucka. A display buffer is a display memory designated to a display device or a video adapter, either in a reserved or an embedded form. Applicant submits that Stucka fails to disclose or teach the limitation of “extracting a first data from a display buffer of a video card”. Rather, Stucka discloses an application communicating with a UIS (user interface server), which is not located in a display buffer of a video card. The UIS of Stucka is loaded into a general purpose RAM that is not a display buffer. Therefore, Applicant submits that independent claim 1 is not anticipated by Stucka.

Similarly, independent claims 9, 17, 25, 29, 33, and 37 include limitations similar to those claimed by independent claim 1. Therefore, for reasons similar to those discussed above, independent claims 9, 17, 25, 29, 33, and 37 are not anticipated by Stucka.

The rest of the claims depend from one of the above independent claims and, thus, include all of the distinct features of the respective independent claim. Therefore, for the reasons similar to those discussed above, these claims are not anticipated by Stucka. Withdrawal of the rejections is respectfully submitted.

Rejections Under 35 U.S.C. §103(a)

Claims 27, 31, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stucka in view of Kahl.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d

981, 180 USPQ 580 (CCPA 1974). (Manual of Patent Examining Procedure (MPEP) ¶ 2143.03).

In view of foregoing amendments and remarks, Applicant submits that claims 1-40 are patentable over the cited references. Withdrawal of the rejections is respectfully submitted.

CONCLUSION


In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

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